

1  
2 BILL NO. Z-85- 07-23  
3

ZONING MAP ORDINANCE NO. Z- 10-85

4 AN ORDINANCE amending the City of  
5 Fort Wayne Zoning Map No. E-2.  
6

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
8 WAYNE, INDIANA:

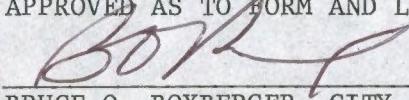
9 SECTION 1. That the area described as follows is hereby  
10 designated an RA (Suburban Residential) District under the terms of  
Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

11 Lot #9, excluding the West 320 feet and  
12 Lot #10 of Pavey's Addition

13 and the symbols of the City of Fort Wayne Zoning Map No. E-2, as established  
14 by Section 11 of Chapter 33 of the Code of the City of Fort Wayne,  
15 Indiana are hereby changed accordingly.

16 SECTION 2. That this Ordinance shall be in full force  
17 and effect from and after its passage and approval by the Mayor.

18  
19   
COUNCILMEMBER  
20

21 APPROVED AS TO FORM AND LEGALITY:  
22   
BRUCE O. BOXBERGER, CITY ATTORNEY  
23  
24  
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32

Read the first time in full and on motion by Redd,  
seconded by Talarico, and duly adopted, read the second time  
by title and referred to the Committee GiaQuinta (and the Cit  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne  
Indiana, on                   , the                    day of  
                  , 19          , at                    o'clock           .M., E.

DATE: 7-23-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Redd,  
seconded by Eisbart, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BRADBURY</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>BURNS</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>EISBART</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>HENRY</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>REDD</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>SCHMIDT</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>STIER</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>TALARICO</u>	<u>✓</u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

DATE: 9-10-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-10-85  
on the 10th day of September, 1985.

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Mark E. GiaQuinta  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 11th day of September, 1985,  
at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of September,  
1985, at the hour of 4:00 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

check #4399

## RECEIPT

COMMUNITY DEVELOPMENT &amp; PLANNING

No. 12015

FT. WAYNE, IND. 6-5 1985

RECEIVED FROM Allen Co. Bank & Trust \$ 50.00  
THE SUM OF Fifty 400/100 — <sup>100</sup> DOLLARS  
ON ACCOUNT OF Begonning - 1419 Getz  
R1 to RA

B. Steele

AUTHORIZED SIGNATURE

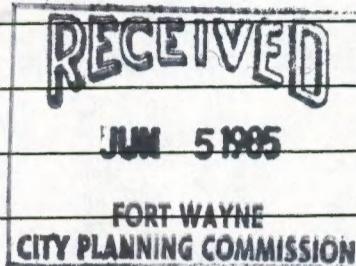
## PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We Allen County Bank and Trust Company  
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an RA District the property described as follows:lot 9 excluding the west 320 feet and lot 10 of Povey's Addition to the City of Fort Wayne as shown on the attached legal description

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1419 Gotz Road - FT. WAYNE, IN

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Paul C. Raver, Sr. (PAUL C. RAYER, SR.)  
DIRECTOR ALLEN CO. BK. & TRUST CO. HCO, IND.

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent. 520 E. CALHOUN  
PAUL C. RAYER, Sr., DIRECTOR & ATTY for PETITIONER  
 (Name) (Address & Zip Code) FT. WAYNE IN 46802  
(219) 424-1333 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

LEGAL DESCRIPTION

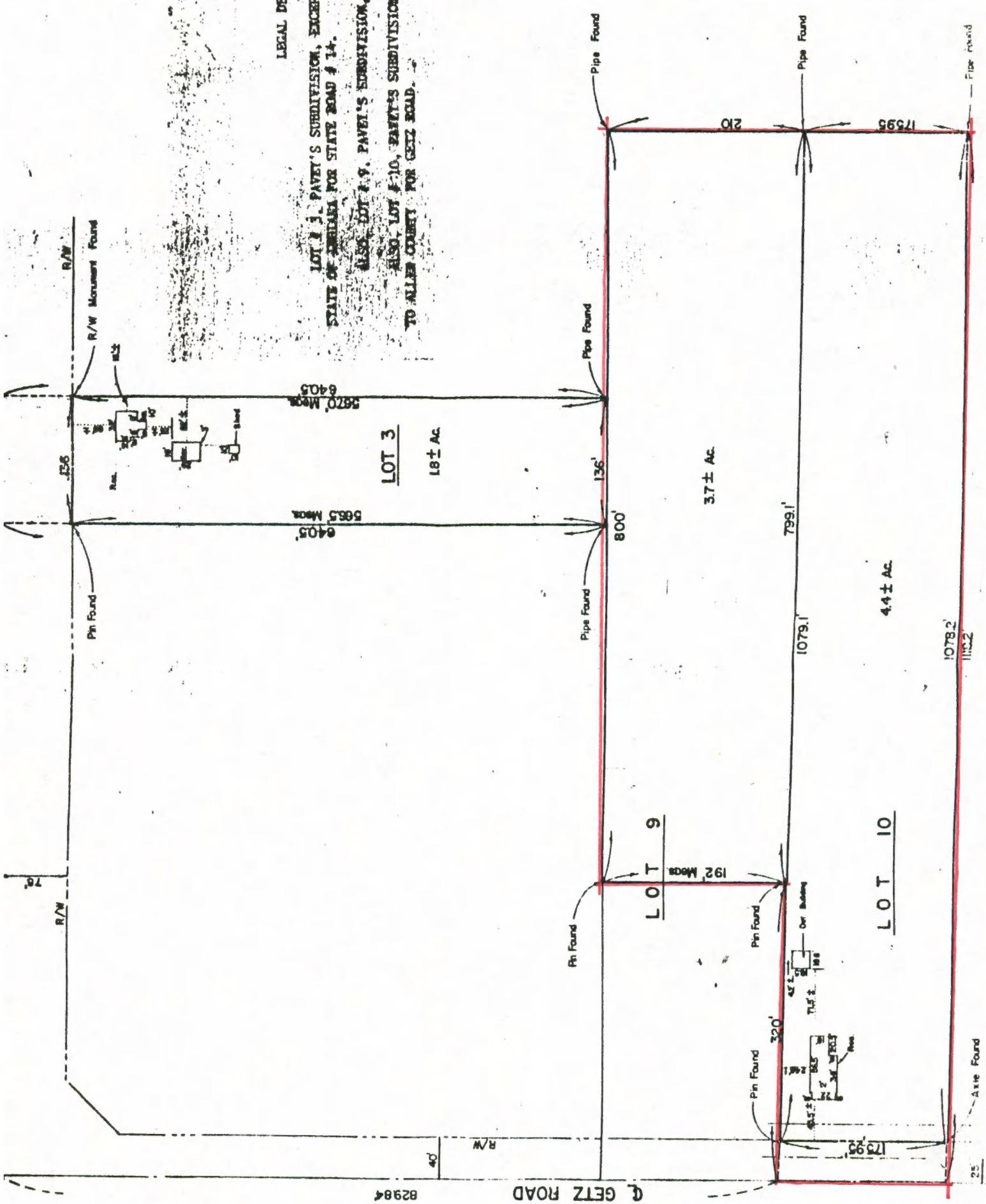
PRINTS OF PAPERS FOR STUDY AND PRACTICE.  
1001 F. PEARL'S SUBSCRIPTION, BOSTON, MASS., THE MARKET 75 FEET.

188. *Mr. F. G. Parker's Extension, West, the West*

THE AMERICAN JOURNAL OF THEOLOGY AND PHILOSOPHY

卷之三

LOT 3



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 23, 1985, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-85-07-23; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1985;

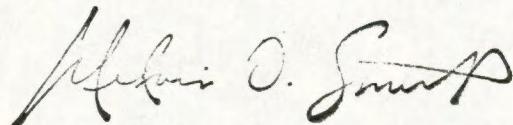
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1985.

Certified and signed this  
22nd day of August 1985.



Melvin O. Smith  
Secretary

85-22552

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:  
*COPY* )

AFFIDAVIT

Comes now Saundra E. Williams, and first being duly sworn upon her oath, doth state that she has knowledge of the following facts which are true:

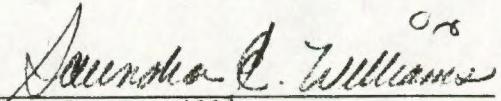
1. That your affiant is President of Allen County Bank and Trust Company, a banking corporation organized and existing pursuant to the laws of the State of Indiana.
2. That the aforesaid Bank owns the real estate which is the subject of Rezoning Request No. Z-85-07-23, the said real estate being commonly known as 1149 Getz Road, Fort Wayne, Allen County, Indiana.
3. That your affiant has the authority pursuant to the Board of Directors of the aforesaid Bank to make this Affidavit to induce the City Plan Commission of Fort Wayne, Indiana as well as the City Council of the City of Fort Wayne, Indiana to grant the aforesaid rezoning request.
4. That the subject Bank promises and covenants with the City Plan Commission of Fort Wayne, Allen County, Indiana and the City Council of Fort Wayne, Allen County, Indiana, that if the aforesaid Rezoning Request is approved that the said Bank and any and all successors in interest to the said Bank shall not remonstrate against or otherwise in any way object to, or commence or otherwise be a part of, any legal proceedings to prevent any action taken by the City of Fort Wayne or the Allen County Drainage Board of Allen County, Indiana to effectuate any improvement undertaken by the said City or the said County as to Lawrence Drain in Fort Wayne, Allen County, Indiana and the said commitment includes the repair, construction, reconstruction or any other improvements to the said Lawrence Drain.
5. That this Affidavit is being made to induce the City Plan Commission of Fort Wayne, Allen County, Indiana and the

ALLEN COUNTY, INDIANA  
RECEIVED  
APR 10 1985  
CLERK'S OFFICE

City Council of Fort Wayne, Allen County, Indiana to approve  
Rezoning Request No. Z-85-07-23.

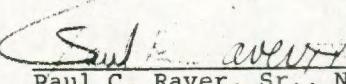
6. That this Affidavit and the promises and covenants contained herein shall be binding upon any and all successors in interest of Allen County Bank and Trust Company to the aforescribed real estate and shall be, at the aforesaid City Plan Commission's option, recorded with the Office of the Recorder of Allen County, Indiana.

FURTHER AFFIANT SAYETH NAUGHT.

  
Saundra E. Williams  
Saundra E. Williams

STATE OF INDIANA                         )  
   ) SS:  
COUNTY OF ALLEN                         )

Subscribed and sworn to before me, a Notary Public in  
and for said County and State, this 7 day of August, 1985.

  
Paul C. Raver, Sr., Notary Public  
Resident of DeKalb County Indiana

My Commission Expires:

January 20, 1988

FACT SHEET

Bill No. Z-85-07-23

BILL NUMBER

**Division of Community  
Development & Planning**

<u>BRIEF TITLE</u>	<u>APPROVAL DEADLINE</u>	<u>REASON</u>
Zoning Ordinance Amendment		
<b>DETAILS</b>		
<b>Specific Location and/or Address</b> 1419 Getz Road		
<b>Reason for Project</b> Multi-family development		
<b>Discussion (Including relationship to other Council actions)</b> <u>July 15, 1985 - Public Hearing</u>  Paul Raver, attorney representing the petitioner stated that this is approximately 8 acres. He stated they wanted the rezoning in order to put in an apartment project on the land. He stated that the land is being sold by Allen County Bank subject to the property being rezoned. Mr. Raver quoted the Comprehensive Plan which shows this area as a good location for medium density residential.  Duane Embury asked what type of apartments and what the density would be.  Mr. Raver stated that they have not decided on the type of development. He stated they would try to give the Commission more information on the development at the Business Meeting. He stated they wanted first to see if they could get the property rezoned before they went to the expense of preparing specific plans.  Duane Embury pointed out that this property would be draining into the Lawrence Drain.		
<b>POSITIONS</b> <b>RECOMMENDATIONS</b>		
Sponsor	City Plan Commission	
Area Affected	City Wide  Other Areas	
Applicants/ Proponents	Applicant(s)  City Department  Other	
Opponents	<b>Groups or Individuals</b> Frank Welby/1606 Getz Road Harry Jacobs/1511 Getz Road <b>Basis of Opposition</b> -added traffic congestion -detriment to residential areas -added pressure on sewers	
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  <b>Reason Against</b>	
Board or Commission Recommendation	<b>By</b>  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

**DETAILS**

He questioned if the developers would be willing to agree to not remonstrate against the Lawrence Drain petition.

Mr. Raver stated that they would be willing to provide acceleration and deceleration lanes. He stated that they would be willing to participate in sidewalks along Getz Road. He stated that they feel strongly that apartments in this location would serve as a good buffer.

July 22, 1985 - Business Meeting

Motion to approve the rezoning. Of the 9 members present 8 voted in favor of the DO PASS, one did not vote, motion carried.

The following conditions were placed upon the approval:

- 1) A non-remonstration agreement, regarding Lawrence Drain improvements must be filed.
- 2) Sanitary sewer must be extended to serve the property.

Duane Embury received and had recorded an affidavit stating that the petitioners or any and all successors will agree not to remonstrate against the improvements to the Lawrence Drain.

Mr. Embury stated in a memo that the question of sanitary sewers to serve the area would be addressed at the time the development plan was reviewed.

A copy of the affidavit is attached to the original rezoning and on file in City Plan.

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

**Project Start**

**Date** June 5, 1985

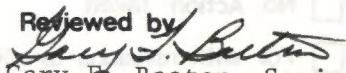
**Projected Completion or Occupancy**

**Date** August 22, 1985

**Fact Sheet Prepared by**

Patricia Biancaniello

**Reviewed by**

  
Gary E. Baeten, Senior Planner

**Reference or Case Number**

**ORIGINAL**

**TITLE OF ORDINANCE** Zoning Map Amendment

3-85-07-23

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - CD&P

**SYNOPSIS OF ORDINANCE** Lot #9, excluding the West 320 feet and Lot #10

of Pavey's Addition, commonly known as 1419 Getz Road.

**EFFECT OF PASSAGE** Property is now zoned R-1 - Single Family Residential.

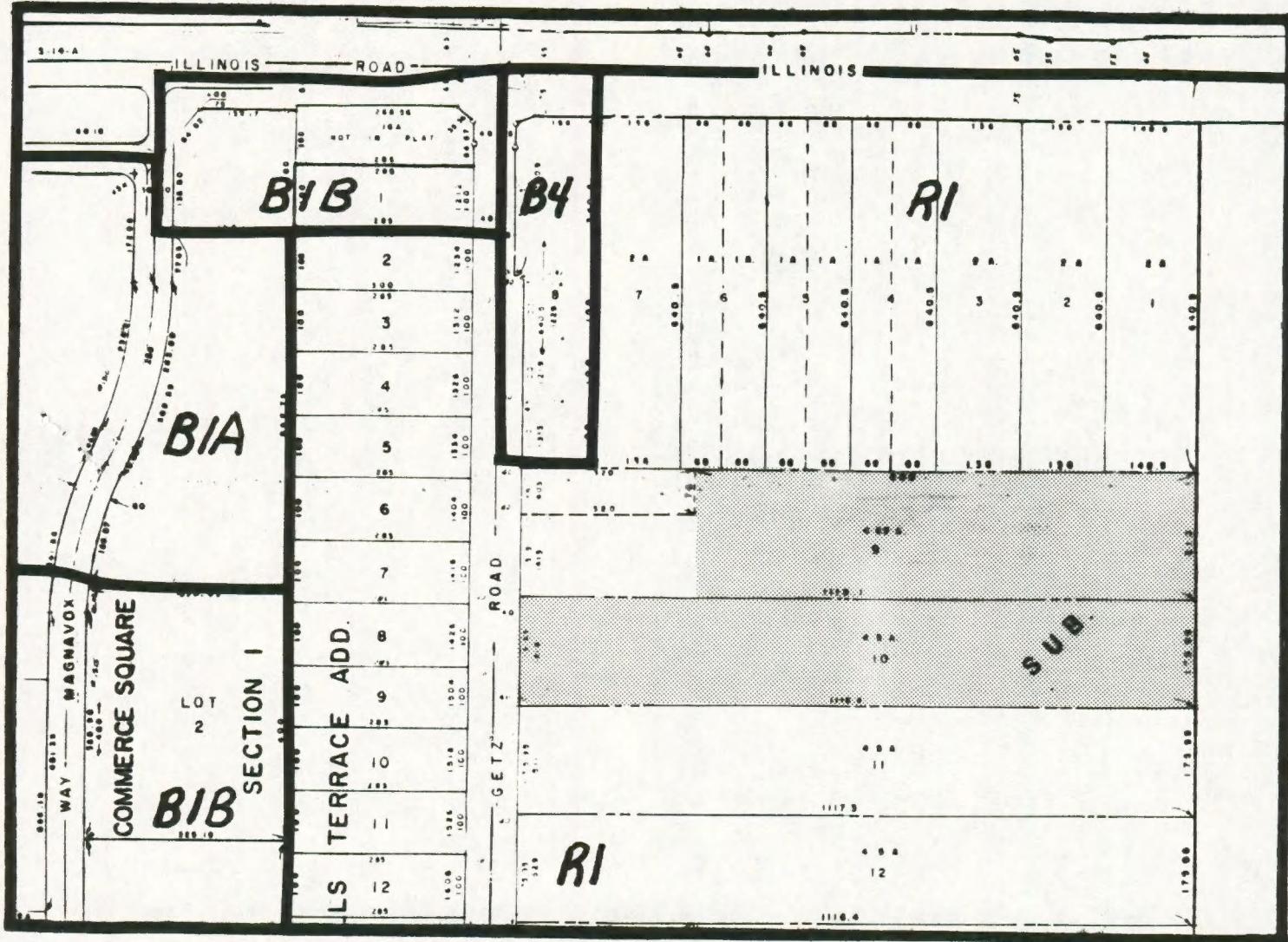
Property will become RA - Suburban Residential.

**EFFECT OF NON-PASSAGE** Property will remain R-1 - Single Family Residential.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**ASSIGNED TO COMMITTEE (J.N.)** \_\_\_\_\_

## LOCATION MAP FOR 1419 GETZ RD.

Zoning:Land Use:

- RI RESIDENTIAL DISTRICT
- B1B LIMITED BUSINESS 'B'
- B4 ROADSIDE BUSINESS
- BIA LIMITED BUSINESS 'A'

Bill No. Z-85-07-23



BILL NO. Z-85-07-23

REPORT OF THE COMMITTEE ON

REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort  
Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO

Charles B. Redd CHARLES B. REDD  
CHAIRMAN

Janet G. Bradbury JANET G. BRADBURY  
VICE CHAIRWOMAN

JAMES S. STIER

Ben A. Eisbart BEN A. EISBART

D.J. Schmidt DONALD J. SCHMIDT

CONCURRED IN 9-10-85

SANDRA E. KENNEDY  
CITY CLERK